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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States of America,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Shane Twigg,)	Case No.: A-05-0041 CR. (RRB)
)	
Defendant.)	

NON-OPPOSED MOTION ON SHORTENED TIME TO CONTINUE SENTENCING

A period of excludable delay under 18 U.S.C. 3161(h)(1)(F) may occur as a result of the filing/granting/denying of this motion.

COMES NOW, Shane Twigg, by and through counsel, Robert M. Herz, of the Law Offices of Robert Herz, P.C., and hereby moves this court to continue the sentencing that is presently scheduled in this matter for August 24, 2006 at 9:00 a.m. Additional time is needed to investigate objections to the draft pre-sentence report raised by Mr. Twigg and to investigate other pertinent facts related to sentencing in this matter.

Counsel made a similar request on June 6, 2006. Counsel has been diligent in pursuing the investigation needed to investigate objections to the draft pre-sentence report and to investigate other pertinent facts related to sentencing. Counsel has met with Mr. Twigg several times and has reviewed his comments, and concerns. Counsel has also interviewed potential witnesses, and sought to obtain relevant documents. However, the continued investigation has been stymied through no fault of counsel or Mr. Twigg. Immediately on the same day as and after this court granted the continuance on June 6, 2006, Counsel requested from the state of Alaska Division of Juvenile Justice, in writing, copies of Mr. Twigg's

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juvenile file. Accompanying this written request was a signed consent and release executed by Mr. Twigg. These records are vital to the issues at hand, and without them counsel is unable to complete the investigation into the issues that have been identified. To date, the Division of Juvenile Justice has not turned over any portion of Mr. Twigg's file, without any explanation for why it has not acted on his request and has not otherwise responded to counsel's request for the file. Accompanying this motion is a non-opposed motion to compel the state of Alaska Division of Juvenile Justice to produce a copy of Mr. Twigg's file to counsel for Mr. Twigg.

No prejudice will inure to the government by any delay in sentencing as Mr. Twigg will likely be serving at least 24 months in this matter. Counsel has spoken with Mr. Twigg and he does not object to the sentencing being continued.

Counsel requests that the sentencing be continued until at least 30 days or until September 25, 2006 or sometime thereafter that is convenient to the court. Counsel has spoken with AUSA Nesbett who non-opposes this motion to continue to the date requested by counsel. Counsel has also notified the United States Probation office of this request.

DATED at Anchorage, Alaska, this 27th day of July 2006.

THE LAW OFFICES OF ROBERT HERZ, PC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 27th day of July 2006, a true and correct copy of the Motion to Continue Sentencing was faxed to the following: USPO Scott Kelley (271-3060) and served electronically on the US Attorney By: s/Robert Herz